

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

ERP IRON ORE, LLC,

Debtor.

Chapter 7
BKY 18-50378 (WJF)

ERP IRON ORE, LLC,

Adv. No. 18-05028

Plaintiff,

v.

**STIPULATION AS TO SUBSTITUTION
OF PLAINTIFF**

Hammerlund Champion Steel, Inc.;
Hammerlund Construction, Inc.;
WESCO Distribution, Inc.; Toltz, King,
Duvall, Anderson and Associates,
Incorporated; Trane US, Inc.; Ulland
Brothers, Inc.; Brock White Company LLC;
General Waste Disposal and Recovery
Services, Inc.; Ferguson Enterprises, Inc.;
Precision Testing, Inc.; Rapids Process
Equipment, Inc.; Minnesota Industries, Inc.;
Noramco Engineering Corporation; Viking
Electric Supply, Inc.; Parsons Electric LLC;
Hunt Electric Corporation; The Jamar
Company; LeJeune Steel Company; United
Rentals (North America), Inc.; AW Kuettel
& Sons; Ironman Concrete Pumping, Inc.;
JK Mechanical Contractors, Inc.; John J.
Morgan Company; K Building
Components, Inc.; Northern Industrial
Erectors, Inc.; Range Electric, Inc.; Scheck
Industrial Corporation; Liquidity Solutions,
Inc.; Wilmington Savings Fund Society,
FSB; and Progress Rail Leasing
Corporation,

Defendants.

WHEREAS, the bankruptcy case was commenced on May 25, 2018, by the filing of an

involuntary petition against the debtor. On July 16, 2018, the debtor filed a Consent to Order for Relief and a Conversion of Case pursuant to sections 348 and 706(a) of the bankruptcy code and Local Rule 1019-1, converting the case from a case under chapter 7 of the bankruptcy code to a case under chapter 11 of the bankruptcy code. On July 17, 2018, the bankruptcy court entered the Order for Relief;

WHEREAS, the debtor filed this adversary proceeding on November 16, 2018;

WHEREAS, none of the defendants have been served with the summons and complaint and there is no deadline to answer or otherwise respond;

WHEREAS, on November 29, 2018, the court granted the United States Trustee's motion to convert the debtor's chapter 11 case to a case under chapter 7 effective December 1, 2018. Nauni Manty was appointed as the chapter 7 trustee on December 3, 2018;

WHEREAS, the trustee is a successor in interest in this action;

WHEREAS, Rule 25(c) of the Federal Rules of Civil Procedure, which is made applicable to this proceeding pursuant to Bankruptcy Rule 7025(c), provides that in the case of any transfer of interest an action may be continued by the party to whom the interest is transferred, and that party to whom interest has been transferred may be substituted as a party to the action.

NOW, THEREFORE, the parties hereby stipulate that Nauni J. Manty, as the chapter 7 trustee of the bankruptcy estate of ERP Iron Ore, LLC, shall be substituted as the plaintiff in this action.

Statement Pursuant to Local Rule 9011-4(f). The parties below authorize the filer to submit this stipulation with the electronic signature of such party.

Dated: December 17, 2018

MANTY & ASSOCIATES, P.A.

/e/ Nauni J. Manty

Nauni J. Manty (#230353)

Jacqueline J. Williams (#386611)

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Attorneys for the Trustee

Dated: December 17, 2018

RAVICH MEYER KIRKMAN McGRATH
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/e/ Will R. Tansey

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Attorneys for ERP Iron Ore, LLC

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Plaintiff,

v.

**ORDER REGARDING STIPULATION
AS TO SUBSTITUTION OF PLAINTIFF**

Hammerlund Champion Steel, Inc.;
Hammerlund Construction, Inc.;
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Erectors, Inc.; Range Electric, Inc.; Scheck
Industrial Corporation; Liquidity Solutions,
Inc.; Wilmington Savings Fund Society,
FSB; and Progress Rail Leasing
Corporation,

Defendants.

This matter came before the court pursuant to a Stipulation as to Substitution of Plaintiff.

Based upon the executed Stipulation, and upon all files, records and proceedings herein:

IT IS ORDERED:

1. The Stipulation as to the Substitution of Plaintiff is approved in its entirety; and
2. Nauri J. Manty, as the chapter 7 trustee of the bankruptcy estate of ERP Iron Ore, LLC, is substituted as the plaintiff in this action.

Dated:

William J. Fisher
United States Bankruptcy Judge